

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

RODNEY COLLINS,

Plaintiff,

v.

Civil Case No. 22-10941  
Honorable Linda V. Parker

DETROIT RADIATOR CORP.,  
LIBERTY MUTUAL INSURANCE CO.,  
ATTORNEY DONALD H. HANNON,  
ATTORNEY STEPHEN P. BROWN, and  
MARY GLASSFORD FORD,

Defendants.

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**OPINION AND ORDER SUMMARILY DISMISSING PLAINTIFF'S  
COMPLAINT WITHOUT PREJUDICE**

This is Plaintiff's second attempt to proceed with his claims against Defendants in federal court. This Court dismissed without prejudice Plaintiff's first-filed action, Civil Case No. 22-10274, because Plaintiff failed to file an amended complaint establishing federal subject matter jurisdiction when ordered to do so. *See* Op. & Order, *Collins v. Detroit Radiator Corp.*, No. 22-cv-10274 (E.D. Mich. Mar. 18, 2022), ECF No. 16; *see also* Op. & Order, *id.* (E.D. Mich. Feb. 11, 2022), ECF No. 4. The Complaint Plaintiff filed in this second action fails for the same reasons.

As the Court previously explained to Plaintiff, “[i]t is a fundamental precept that federal courts are courts of limited jurisdiction.” *Owen Equip. & Erection Co. v. Kroger*, 437 U.S. 365, 374 (1978). “Unlike state trial courts, [federal courts] do not have general jurisdiction to review questions of federal and state law, but only the authority to decide cases that the Constitution and Congress have empowered them to resolve.” *Ohio ex rel. Skaggs v. Brunner*, 549 F.3d 468, 474 (6th Cir. 2008). In plain terms, this means that federal courts, such as this one, have no power to do anything but dismiss a plaintiff’s complaint where federal subject matter jurisdiction is lacking.

As a general rule, federal courts have jurisdiction only over matters arising under the Constitution, laws, or treaties of the United States, 18 U.S.C. § 1331 (“original jurisdiction”), or where the matter in controversy exceeds the sum or value of \$75,000 *and* is between citizens of different states, 18 U.S.C. § 1332 (“diversity jurisdiction”). Diversity jurisdiction is lacking where any plaintiff is a citizen of the same state as any defendant. No basis for federal subject matter jurisdiction can be gleaned from Plaintiff’s Complaint.

The only discernible potential claim set forth in Plaintiff’s Complaint is a claim of fraud.<sup>1</sup> Notably, Plaintiff repeatedly uses the word “fraud” in his

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<sup>1</sup> The Court is making no determination of whether such a claim is adequately pled in Plaintiff’s Complaint. In fact, Plaintiff’s Complaint fails to satisfy the pleading

Complaint. A claim of fraud arises under State law, not the Constitution, laws, or treaties of the United States. While Plaintiff seeks damages well over \$75,000, diversity jurisdiction is lacking because he identifies himself, as well as at least one of the named Defendants (Donald Hannon), as a Michigan citizen.<sup>2</sup>

For these reasons, the Court is summarily dismissing without prejudice Plaintiff's Complaint for lack of subject matter jurisdiction pursuant to 28 U.S.C. § 1915(e)(2). The dismissal is without prejudice as Plaintiff may proceed *with an adequately alleged claim* in State court.

**IT IS SO ORDERED.**

s/ Linda V. Parker  
LINDA V. PARKER  
U.S. DISTRICT JUDGE

Dated: May 17, 2022

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requirements of Federal Rules of Civil Procedure 8(a) and 9(b)—the latter of which must be satisfied when a plaintiff pleads fraud.

<sup>2</sup> The identifying information for two Defendants, Detroit Radiator Corporation and Stephen Brown, is not legible in the copy of the Complaint received by the Court. (*See* Compl. at 3, ECF No. 1 at Pg ID 3.) Plaintiff, however, provided Michigan addresses for these entities in the first action. *See* Compl. at 3, *Collins*, No. 22-cv-10274 (E.D. Mich. filed Feb. 9, 2022), ECF No. 1 at pg ID 3.

I hereby certify that a copy of the foregoing document was mailed to counsel of record and/or pro se parties on this date, May 17, 2022, by electronic and/or U.S. First Class mail.

s/Aaron Flanigan

Case Manager